

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

**If you are African-American and applied
for a Labor Reserve position at AK Steel
Corporation in Middletown, Ohio or
Ashland, Kentucky, and you took and
failed AK Steel's pre-employment test,
a class action lawsuit may affect your
rights.**

A court authorized this notice. This is not a solicitation from a lawyer.

- African-American applicants for Labor Reserve positions have sued AK Steel Corporation, alleging discrimination against African-American applicants who took and failed AK Steel's pre-employment test.
- The Court has allowed the lawsuit to be a class action on behalf of all African-American applicants for Labor Reserve positions at AK Steel's Middletown, Ohio plant who took and failed AK Steel's pre-employment test at any time between September 12, 2001 and July 9, 2002, and for all African-American applicants for Labor Reserve positions at AK Steel's Ashland, Kentucky plant who took and failed AK Steel's pre-employment test at any time between August 12, 2001 and June 8, 2002.
- The Court has not decided whether AK Steel did anything wrong. There is no money or other relief available now, and no guarantee there will be.
- Lawyers must prove the claims against AK Steel at a trial that will be scheduled at some time in the future. If money, benefits, or other relief are obtained from AK Steel, you will be notified about how to ask for a share.
- **Any questions? Read on and call 800-476-9428.**

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BASIC INFORMATION

1. Why did I get this notice?

AK Steel's records show that you applied for a Labor Reserve position at AK Steel's Middletown, Ohio or Ashland, Kentucky plants and that you took and failed AK Steel's pre-employment test. This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. If the case is not later dismissed by the Court, there will be a trial to decide whether the claims being made against AK Steel, on your behalf, are correct. Judge Sandra S. Beckwith of the United States District Court for the Southern District of Ohio is overseeing this class action. The lawsuit is known as *Vivian Bert, et al. v. AK Steel Corporation*, No. C-1-02-467.

2. What is this lawsuit about?

This lawsuit is about whether AK Steel discriminated against African-American applicants for Labor Reserve positions by using a test that African-Americans may have failed more frequently than those of other races.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case Darlene Denise Carter, Darrell Carter, Marnie Carter, Donald Edwards, James E. Greenwood, Kay Jackson, Tiffany Jackson, Dwight Lewis, and Timothy Oliphant) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The African-Americans who sued -- and all the Class Members like them -- are called the Plaintiffs. The company they sued (in this case AK Steel Corporation) is called the Defendant. One court resolves the issues for everyone in the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- There are more than 50 African-American applicants who took and failed AK Steel's pre-employment test;
- There are legal questions and facts that may be common to each of them;
- The Class Representatives' claims may be typical of the claims of the rest of the Class;
- The Class Representatives, and the lawyers representing the Class will fairly and adequately represent the Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs say that AK Steel discriminated against African-American applicants for Labor Reserve positions at AK Steel's Middletown, Ohio, and Ashland, Kentucky plants. They claim that the African-American

applicants took and failed a pre-employment test used by AK Steel that African Americans failed more frequently than those of other races.

6. How does AK Steel answer?

AK Steel denies that it did anything wrong and says that opportunities for Labor Reserve positions are equally available to African Americans and people of other races. AK Steel says that its policies are clear and that they neither allow, nor condone, discrimination against anyone.

7. Has the Court decided who is right?

The Court hasn't decided whether AK Steel or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. If the Court does not later dismiss this case, the Plaintiffs must prove their claims at a trial that will be scheduled at some date in the future. (See "The Trial" below on page 5.)

8. What are the Plaintiffs asking for?

The Plaintiffs are asking for a ban on AK Steel's screening test to ensure that African American applicants for Labor Reserve positions are treated equally. AK Steel believes that it did treat these applicants equally to others. The Plaintiffs also want lost wages and other relief for Class Members.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether AK Steel did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share, if any.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

Judge Beckwith decided that all African-American applicants for Labor Reserve positions at AK Steel's Middletown, Ohio plant who took and failed AK Steel's pre-employment test at any time between September 12, 2001 and July 9, 2002, are Class Members. Judge Beckwith also decided that all African-American applicants for Labor Reserve positions at AK Steel's Ashland, Kentucky plant who took and failed AK Steel's pre-employment test at any time between August 12, 2001 and June 8, 2002, are Class Members.

11. Are any African-American applicants not a part of the Class?

African-American applicants for Labor Reserve positions who did not take the test, and African-American Applicants who took and passed the test, are not a part of the Class. You are only a Class Member if you either:

- Are African American; applied for a Labor Reserve position at AK Steel's Middletown, Ohio, plant; and took and failed AK Steel's pre-employment test at any time between September 12, 2001 and July 9, 2002; or
- Are African American; applied for a Labor Reserve position at AK Steel's Ashland, Kentucky, plant; and took and failed AK Steel's pre-employment test at any time between August 12, 2001 and June 8, 2002.

12. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing to the lawyers in this case, at the phone number or address listed below.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court decided that the law firms of Wiggins, Childs, Quinn, & Pantazis, L.L.C., of Birmingham, Alabama; Sanford, Wittels, & Heisler, L.L.P., of Washington, D.C.; and the Law Offices of Grant E. Morris, of Washington, D.C., are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel." They are experienced in handling similar cases against other employers.

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

15. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by AK Steel.

THE TRIAL

The Court may schedule a trial to decide who is right in this case.

16. How and when will the Court decide who is right?

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial would be scheduled in the future to be convened at the Potter Stewart U.S. Courthouse, 100 East Fifth Street, Cincinnati, Ohio. During the trial, the Judge will hear all of the evidence to help her reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

17. Do I have to come to the trial?

If there is a trial, you do not need to attend, unless you are called as a witness. Class Counsel will present the case for the Plaintiffs, and AK Steel will present the defenses. You or your own lawyer are welcome to come at your own expense.

18. Will I get money after the trial?

If the Plaintiffs obtain money, benefits, or other relief as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

19. Are more details available?

You may obtain more information by calling the lawyers representing the Class at 800-476-9428, or by writing to: Herman N. Johnson, Jr./ Wiggins, Childs, Quinn & Pantazis, L.L.C./ The Kress Building/ 301 19th Street N./ Birmingham, AL 35203.

DATE: MONTH __, 2007.

Clerk of the Court
UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO